

Hundred Fifty-Six Dollars and Fifty-Eight Cents. . . \$296,756.58.

Trades and Industries: Two Hundred Thousand Dollars . . . \$200,000.00.

Vocational Rehabilitation: One Hundred Fifty Four Thousand Three Hundred Seventy-Four Dollars . . . \$154,374.00.

Rehabilitation for Crippled Children: One Hundred Fifty Thousand Dollars . . . \$150,000.00.

Provided the unexpended balances remaining in the funds herein appropriated under the provisions of this Act at the end of each fiscal year may be reallocated by the State Superintendent of Public Instruction.

Sec. 6. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 7. The fact that many schools in this State are desirous of having the services of vocational teachers mentioned in this Act, and the further fact that if these schools receive such services it is absolutely necessary that this appropriation be passed, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Adjournment

On motion of Senator Cotten, the Senate, at 12:40 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Communication from Mrs. George E. Christian

To the Senate, Forty-seventh Legislature, Austin, Texas.

The family of the late Judge George E. Christian wishes to thank you for the beautiful flowers and your kind expression of sympathy as expressed in your Concurrent Resolution No. 39.

We are grateful for the tribute paid to our husband and father, and

our appreciation is deep and everlasting.

Sincerely,

MRS. GEORGE E. CHRISTIAN,
JULIET, GEORGE, JR., AND
MARTHA JO CHRISTIAN.

May 29, 1941,
3108 Wheeler St.

SEVENTY-FOURTH DAY

(Tuesday, June 10, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
June 9, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1011, A bill to be entitled "An Act appropriating the sum of Three Hundred Thousand (\$300,000) Dollars out of any funds in the State Treasury, not otherwise appropriated, annually, for the purpose of providing permanent funds or reve-

nue for the Firemen's Relief and Retirement Fund' created by H. B. No. 258, Chapter 125, page 229 of the General Laws of the Regular Session of the Forty-fifth Legislature, approved April 9, 1937; providing for the disbursement thereof; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
June 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1066, A bill to be entitled "An Act making an appropriation of the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

AIKIN, Chairman.

Austin, Texas,
June 9, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 268, A bill to be entitled "An Act to provide for the establishment of a State Cancer Hospital and the Division of Cancer Research, the location, control, and management to be under the supervision of the University of Texas; providing for the selection of an Administrator; providing for employment of a medical staff by the Board of Regents on recommendation of the Administrator; providing for other employees; providing for establishment and maintenance from time to time of substations; providing for conformity of institutions and substations to standards of American College of

Surgeons and the American Medical Association; providing purpose for which institutions and substations are established; providing for free service to indigent eligible citizens of Texas; defining 'eligible citizen' and the term 'indigent' as used in the Act; providing certain information to be furnished by applicant; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Weinert submitted the following report:

Austin, Texas,
June 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 498, A bill to be entitled "An Act amending H. B. No. 271, which was passed by the Forty-seventh Legislature, 1941, which became effective April 18, 1941, for the purpose of correcting a clerical error made in said bill; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 76, Relative to the dedication of Tyler State Park.

H. C. R. No. 187, Endorsing and approving the President's declaration of principle and pledging our complete cooperation and active support in this emergency for the defense of our Country.

H. C. R. No. 209, Granting Heiner B. McPherson of Hill County, Texas, permission to sue the State of Texas.

H. C. R. No. 210, Providing for recess of the Legislature from June 16, 1941, at 12 o'clock noon until July 14, 1941, at noon.

H. C. R. No. 220, Urging Congress and the President to take immediate action toward utilizing our natural resources and to prevent strikes and labor disturbances.

H. C. R. No. 221, Granting the Highway Department the right to an easement through property of the State Orphans Home at Corsicana.

The House has tabled S. C. R. No. 75, Providing for sine die adjournment on June 14, 1941, by a vote of 69 yeas, 59 nays.

The House has refused to concur in Senate amendments to H. B. No. 963 and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Messrs. Alsup, Stubbs, Manning, Allison and Humphrey.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill 222 on Second Reading

Senator Hill moved the regular order of business be suspended, to permit consideration of H. B. No. 222 at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	

Nays—1

Brownlee

Absent

Beck	Sulak
Lemens	York
Shivers	

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 222, A bill to be entitled "An Act to amend Article 2978, Revised Civil Statutes, 1925, by adding thereto a new Article prescribing additional requirements for the official ballot in general elections."

The bill was read second time.

(President Pro Tempore Cotten in the Chair.)

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 222 by adding a new Section as follows:

"Sec. The fact of the crowded condition of the calendar and the further fact that the Legislature is about to adjourn, which might preclude the possibility of passing this Act at this Session, and that the State of Texas has no adequate law at this time covering the subject matter of this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect from and after the date of its passage, and it is so enacted."

Amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading.

House Bill 222 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 222 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent

Beck

Shivers

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	

Absent

Beck

York

Report of Conference Committee on House Bill 233 Adopted

Senator Van Zandt moved that the report of the Conference Committee on H. B. No. 233, submitted on yesterday, be adopted.

The motion prevailed.

Concurrence in House Amendments to Senate Bill 5

Senator Mauritz called S. B. No. 5 from the President's table for consideration of the House amendments before the Senate.

The President Pro Tempore laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—22

Brownlee	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Martin	Winfield

Nays—6

Aikin
Chadick
CottenLovelady
Moore
York

Absent

Beck
Ramsey

Shivers

House Bill 291 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 291 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 291, A bill to be entitled "An Act relating to the salaries of all State officers except those Constitutional State officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court and Court of Criminal Appeals out of fees of office, and specifically repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendments to the bill:

(1)

Amend H. B. No. 291, Section 1, by inserting after the words "fixed by the Constitution," the words "and except the salaries of the district judges and other compensation of district judges."

(2)

Amend H. B. No. 291, Section 2, by adding after the words "fixed by the Constitution," the words "and except the salaries of the district judges and other compensation of district judges."

(3)

Amend the caption to H. B. No. 291 by inserting after the words, "State officers except" the words, "the salaries and other compensation of district judges and except"

The amendments were adopted severally.

The bill was passed to third reading.

House Bill 291 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 291 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

**Conference Committee on
House Bill 963**

Senator Hill called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 963.

Senator Hill moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President Pro Tempore appointed the following conferees on the bill on the part of the Senate: Senators Hill, Mauritz, Smith, Winfield and Lemens.

**Request for Conference Committee on
House Bill 199 Refused**

Senator Moffett called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 199.

Senator Moffett moved that the request of the House be granted.

(President in the Chair.)

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—14

Beck	Ramsey
Chadick	Smith
Fain	Spears
Hazlewood	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	York

Nays—17

Aikin	Lemens
Brownlee	Lovelady
Cotten	Mauritz
Formby	Moore
Graves	Shivers
Hill	Stone
Isbell	Vick
Kelley	Winfield
Lanning	

**Report of Conference Committee on
House Bill 963**

Senator Hill submitted at this time the following report:

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 963 have met and beg leave to recommend that said H. B. No. 963, be passed in the form attached hereto:

Respectfully signed,

ALSUP,
ALLISON,
HUMPHREY,
STUBBS,
MANNING,

On the Part of the House;

HILL,
WINFIELD,
MAURITZ,
LEMENS,
SMITH,

On the Part of the Senate.

H. B. No. 963, A bill to be entitled "An Act appropriating out of the State General Revenue Fund the sum of Seven Hundred Fifty (\$750.00) Dollars, to the Eddins Common School District No. 62, and Seven Hundred Fifty (\$750.00) Dollars to the Ballard Common School District No. 28, Shelby County, Texas, to be used by said school districts in rebuilding a public schoolhouse within the districts; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That there is hereby appropriated out of the State General Revenue Fund Seven Hundred Fifty (\$750) Dollars to the Eddins School District No. 62, and Seven Hundred Fifty (\$750) Dollars to the Ballard Common School District No. 28, Shelby County, Texas to be used by said school districts for the purpose of rebuilding a public school building within said school districts.

Sec. 2. In making this application, the Legislature deems there is an emergency now existing in said school districts because the school houses situated in said school districts have recently been destroyed by fire and said school districts have not, and shall not have in the future, sufficient funds available to rebuild and equip another proper school house within said school districts.

Sec. 3. The importance of this legislation and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring that all bills be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—31

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Chadick	Mauritz
Cotten	Metcalfe
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Spears
Kelley	Stone
Lanning	Sulak

Van Zandt
Vick
Weinert

Winfield
York

Bill and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolutions:

H. B. No. 1074, A bill to be entitled "An Act to amend Section 8, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 9, Chapter 282, Acts of the Forty-second Legislature, Regular Session, prescribing the rate and speed of motor or other vehicles upon the public highways of Texas, and within the corporate limits of an incorporated city or town, and within any town or village not incorporated; prescribing the rate of speed for a commercial motor vehicle, truck-tractor, trailer, or semi-trailer; defining the terms 'daytime' and 'nighttime'; providing that no persons shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing and making unlawful the act of driving so as to willfully obstruct traffic; authorizing the State Highway Commission to fix the maximum, reasonable and prudent speed under prescribed circumstances upon the basis of an engineering and traffic investigation and requiring the Commission to give notice thereof by the erection of appropriate signs; authorizing the governing bodies of incorporated cities and towns to fix the maximum speed within their jurisdiction under certain circumstances; requiring the charge of speed violations and the summons to specify the rate of speed at which the person charged was driving and the speed limit applicable thereto; providing that the provision of this Act shall not relieve the plaintiff in any civil action from the burden of proving negligence as the proximate cause of any accident; providing a savings clause, repealing all laws in conflict; and declaring an emergency."

H. J. R. No. 1, Proposing an amendment to Article 3 of the Constitution of Texas, requiring appropriation bills passed by the Legislature to be presented and certified by the Comptroller of Public Accounts as to available funds for payment thereof, etc.

H. C. R. No. 201, Declaring the existence of a public emergency and immediate need for construction of State highways for defense purposes and authorizing employment of workers on highways in excess of 48 hours per week.

Message from the House

A Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 354, A bill to be entitled "An Act to amend H. B. No. 205, Chapter 213, page 417, General and Special Laws, Acts of the Forty-fifth Legislature, Regular Session (1937), also known and designated as Article 2815g-1a, of the Revised Civil Statutes of 1925, pertaining to salaries of the County Board of School Trustees in certain counties; providing that Articles 2815a, 2815b, 2815c, 2815d, 2815e, 2815f, 2815g, and 2815g-1 shall not apply or be applicable to counties of more than two hundred and ninety thousand (290,000) and less than three hundred and fifty thousand (350,000) population, according to the last preceding Federal Census; providing that in such counties that members of the County Board of School Trustees of such counties shall receive Five (\$5.00) Dollars per day for their services in attending meetings, inspecting schools and performing the duties imposed by law; providing that such amount shall be paid out of the general fund of the county; and declaring an emergency."

H. C. R. No. 219, Proclaiming May 30th, National Memorial Day, as a legal holiday in Texas.

H. C. R. No. 222, Permitting State Treasurer to pay certain warrants.

S. B. No. 85, A bill to be entitled "An Act to amend Article 4752, of Chapter 3, Title 78, of the Revised Statutes of 1925, relating to limited capital stock life, accident and health insurance companies, removing the restriction that such companies shall have power only to transact business

within this State; and declaring an emergency and providing the Act shall take effect from and after its passage."

S. B. No. 125, A bill to be entitled "An Act to amend Title 69 of the Revised Civil Statutes of Texas, 1925, by amending Articles 4113, 4114, 4116 and 4117 of Chapter 2 of said Title 69 relating to the commencement of proceedings for the appointment of guardians of the persons and estates of minors, persons of unsound mind, habitual drunkards and persons for whom it is necessary to appoint guardians to collect funds from the Federal Government and providing the kind and character of process that shall be issued in such cases and the manner in which such process shall be served; and by amending Articles 4122 and 4123 of Chapter 3 of said Title 69 providing that certain persons shall be disqualified and shall not be appointed guardians and providing for the appointment of guardians of estates of persons adjudged insane or habitual drunkards by courts of competent jurisdiction in other states and territories of the United States; and by amending Articles 4228 and 4229 of Chapter 10 of said Title 69 providing for the acceptance of resignations of guardians and the appointment of successor guardians upon the death, resignation or removal of guardians; and by amending Article 4272 of Chapter 12 of said Title 69 providing for the appointment of guardians of persons adjudged insane or habitual drunkards after the issuance and service of process as therein provided for and for other purposes; and declaring an emergency."

With amendments.

S. B. No. 458, A bill to be entitled "An Act making an appropriation, in addition to the several sums of money appropriated for such purposes by H. B. No. 271 of the Forty-seventh Legislature for law books, for the Courts of Civil Appeals, of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943, and making such appropriations subject to the rules and restrictions respecting expenditure of appropriations in H. B. No. 271; and declaring an emergency."

The House has adopted the Conference Committee report on H. B. No. 233 by a vote of 109 ayes, 5 noes.

The House has adopted the Conference Committee report on H. J. R. No. 23 by a vote of 115 ayes, 1 no.

The House has concurred in Senate amendments to H. B. No. 222 by a vote of 118 yeas, 0 noes.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 38: Messrs. Smith of Atascosa, Kelly, Pevehouse, Files and Henderson.

The House has concurred in Senate amendments to H. B. No. 291 by a vote of 106 yeas, 11 nays.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Committee Substitute Senate Bill 9 on Second Reading

Senator Fain moved that the regular order of business be suspended to take up C. S. S. B. No. 9 on its second reading and passage to engrossment.

Senator Moore raised a point of order against consideration of the motion at this time, on the ground that the morning call has not been completed and that a motion to suspend the regular order of business may not be entertained during the morning call.

The President overruled the point of order.

The motion to suspend the regular order of business prevailed by the following vote:

Yeas—21

Aikin	Martin
Brownlee	Metcalfe
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Spears
Hazlewood	Stone
Isbell	Sulak
Kelley	Vick
Lanning	York
Lemens	

Nays—8

Beck	Moore
Cotten	Smith
Lovelady	Weinert
Mauritz	Winfield

Absent

Hill	Van Zandt
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The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 9, A bill to be entitled "An Act to protect trade-mark owners, labels, brands, names of producers, owners of commodities, distributors, retailers, and the general public against injurious and uneconomic practices in the distribution of commodities under a distinguished trade-mark, brand, or name of the producer or owner of such commodities which are in fair and open competition with the commodities of the same general class produced by others and to facilitate fair trade; providing that contracts relating to the sale or resale of such commodities shall not be in violation of any law of the State of Texas by reason of provisions which may be contained in contracts stipulating the minimum price at which such commodities may be sold; providing that wilfully and knowingly offering for sale or selling any commodity at less than the minimum price stipulated in any contract entered into pursuant to the provisions of this Act, whether the person so offering for sale or selling is or is not a party to such contract, is unfair competition and is actionable at the suit of any person damaged thereby; providing that such contracts shall be deemed to contain or imply certain conditions that such commodities may be sold without reference to such agreements; naming contracts or agreements to which this Act is not applicable; defining terms as used in this Act; providing a saving clause that if any part of this Act is unconstitutional, the remainder of the Act shall not be affected; repealing all laws or parts of laws inconsistent with this Act to the extent of such inconsistency; providing that this Act may be known and cited as the 'Fair Trade Act,' and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendments to the bill:

(1)

Amend committee substitute for S. B. No. 9, Section 1, by inserting immediately after the words "general class produced by others," the words "if not in violation of Chapter 3, Title 19, Penal Code of the State of Texas, or Title 126, Revised Civil Statutes of Texas, 1925,"

(2)

Amend the bill by substituting a semi-colon for the period at the end of Section 7 and adding to said Section 7 the following:

"nothing in this Act shall ever be construed as amending, modifying, suspending or repealing any of the laws of this State defining and prohibiting trusts, monopolies, and conspiracies against trade, with particular reference to Chapter 3, Title 19, Penal Code of the State of Texas, and Title 126, Revised Civil Statutes of Texas, 1925, and if any provision of this Act is held to be in contravention of or conflict with any of said laws, then said provision shall be null and void and of no force or effect."

(3)

Amend the bill by adding a new Section to be known as Section 7a and reading as follows:

"Sec. 7a. The provisions of this Act shall expire on September 1, 1943, and all contracts coming under the terms of this Act shall expire at the same time."

Question—Shall the amendment (1) be adopted?

(President Pro Tempore Cotten in the Chair.)

Senate Bill 490 on Second Reading

Senator Aikin moved that the regular order of business be suspended, to permit consideration of S. B. No. 490 at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lemens
Brownlee	Lovelady
Chadick	Martin
Cotten	Metcalfe
Fain	Moffett
Formby	Ramsey
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick

Nays—7

Beck	Weinert
Mauritz	Winfield
Moore	York
Shivers	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 490, A bill to be entitled "An Act to amend Section 4 of Article XVIII of H. B. No. 8, Acts of the Forty-seventh Legislature, Regular Session, to provide for the allocation of funds collected under Article XVIII of H. B. No. 8, Acts of the Forty-seventh Legislature, Regular Session, and to provide for the transfer and allocation of revenue previously collected and now held in suspense by the Insurance Commission, preparatory to distribution to certain funds; amending Section 2, Article XX of H. B. No. 8, Acts of the Forty-seventh Legislature, Regular Session, providing for the allocation and transfer of certain funds; providing for \$1,750,000.00 for old age assistance for each month of the fiscal year ending August 31, 1941 and appropriating, transferring and crediting to the Old Age Assistance Fund \$1,750,000.00 monthly; providing for the transfer, allocation, appropriation and crediting of funds ordinarily allocated to the General Revenue Fund for old age assistance; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 490 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 490 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Brownlee	Martin
Chadick	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	York
Lemens	

Nays—6

Beck	Shivers
Mauritz	Weinert
Moore	Winfield

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Nays—3

Beck	Shivers
Moore	

Report of Conference Committee on House Joint Resolution 23

Senator Moffett submitted the following report:

Austin, Texas,
June 5, 1941.

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on H. J. R. No. 23, have met and beg leave to recommend that said H. J. R. No. 23 be passed in the form hereto attached.

Respectfully submitted,

MOFFETT,
ISELL,
AIKIN,
LEMENS,
LANNING,

On the part of the Senate;

BRAWNER,
MOORE,
McNAMARA,
GILMER,
BOONE,

On the part of the House.

H. J. R. No. 23, A joint resolution proposing an amendment to Article 3 of the Constitution of the State of Texas authorizing the lending of Two Million Dollars (\$2,000,000) of the Permanent School Fund for the con-

struction of a State office building, or buildings; providing for repayment to the Permanent School Fund; providing for the submission of this amendment to the voters of this State; and providing for the necessary proclamation and expense of publication.

Be It Resolved by the Legislature of the State of Texas:

Section 1. That Article 3 of the Constitution of the State of Texas be amended by adding thereto a new Section to be known as Section 49-b, which shall read as follows:

"Section 49-b. The Legislature may provide by law for the issuance of not more than Two Million (\$2,000,000) Dollars in bonds or obligations of the State of Texas to the Permanent School Fund for the construction in the City of Austin of a State office building or buildings, and the State Board of Education is hereby directed to invest not more than Two Million (\$2,000,000) Dollars of the Permanent School Fund therein. Such bonds shall be executed on behalf of the State of Texas by the Governor and Comptroller, and shall bear a rate of interest not to exceed three (3%) per cent per annum, payable annually; they shall be of such denomination as may be prescribed by law, and shall be payable in not to exceed twenty-five (25) equal installments beginning one year from date of issuance; and the State Treasurer is hereby authorized and directed to set aside into a special fund annually at the beginning of each fiscal year until all of said bonds shall have been paid off and discharged, a sufficient amount of the first moneys coming into the Treasury for the use and benefit of the General Revenue Fund not otherwise heretofore obligated to the payment of bonds and interest, a sufficient amount to pay the interest becoming due and the bonds maturing during such fiscal year. From said Fund, the Treasurer shall pay the interest on said bonds as it comes due, to the credit of the Available School Fund; and shall pay off said bonds as they become due and deposit the amounts so paid to the credit of the Permanent School Fund. The power hereby granted to issue bonds is expressly limited to the amount stated and to five (5) years from and after the adoption of this grant by the people."

Sec. 2. The foregoing constitutional amendment shall be submitted to the qualified voters of the State of Texas at an election to be held on the third day of November, 1942, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

"For the amendment to the Constitution of the State of Texas authorizing the investment of not more than Two Million (\$2,000,000) Dollars of the Permanent School Fund in bonds of the State of Texas to be issued for the construction of a State office building or buildings and providing for the repayment of the said sum of money to the Permanent School Fund."

"Against the amendment to the Constitution of the State of Texas authorizing the investment of more than Two Million (\$2,000,000) Dollars of the Permanent School Fund in bonds of the State of Texas to be issued for the construction of a State office building or buildings and providing for the repayment of the said sum of money to the Permanent School Fund."

Sec. 3. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution and existing laws of the State.

Sec. 4. The sum of Eight Thousand (\$8,000) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated to pay the expenses of said publication and election.

House Bill 1058 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1058 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1058, A bill to be entitled "An Act amending H. B. No. 843 of the Regular Session of the Forty-seventh Legislature by adding a new Section to be numbered Section 1a, and to provide exemption as to certain waters of Lake Corpus Christi; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1058 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1058 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Message from the Governor

The President Pro Tempore laid before the Senate and had read the following message from the Governor:

Austin, Texas,
June 10, 1941.

To the Senate of the Forty-seventh Legislature:

I have this day disapproved S. B. No. 187. This bill would establish a Texas Commission on Interstate Cooperation.

Article 4, Section 10 of the Constitution of the State of Texas places

this responsibility on the Governor to conduct intercourse between the various states and the State of Texas; also between the State of Texas and the Federal Government.

I do not believe, therefore, that there is any necessity for this legislation.

I do not believe that the bill would accomplish any useful purpose, but I do see how this Commission could grow to a point that it might result in substantial expenditure of tax funds on the part of this State. It is my opinion that the Governor should perform his constitutional duties and conduct all intercourse between Texas and other states, and between Texas and the Federal Government. For this reason I have disapproved this bill.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

(Senator Winfield in the Chair.)

Senate Bill 395 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 395 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 395, A bill to be entitled "An Act creating in the State of Texas a school of technical aeronautics and engineering to be known as 'Texas State School of Aeronautics and Engineering.' Providing for the establishment thereof; providing for the maintenance therefor; providing for the government thereof; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 395 by striking out all of Sections 2 to 8 both inclusive and substitute in lieu thereof the following:

"Sec. 2. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of Three Hundred Thousand (\$300,000.00) Dollars for the fiscal year ending August 31, 1942, and the sum of Two Hundred Thousand (\$200,000.00) Dollars for the fiscal year ending August 31, 1943 to pay for the acquisition, erec-

tion and maintenance of the 'Texas State School of Aeronautics' and Engineering,' hereby created, and vested with all powers required to carry out fully the purposes of this Act.

Sec. 3. That said school is to be located within ten (10) miles of the city of Sherman, Grayson County, Texas, and to be known as the 'State School of Aeronautics and Engineering.'

Sec. 4. The Governor of Texas, the President of the University of Texas, the President of the Agricultural and Mechanical College of Texas, the chairman of the State Board of Control and the Superintendent of Public Instruction of the State of Texas are hereby constituted a board for the purpose of locating said 'Texas School of Aeronautics and Engineering' within the territory authorized by this Act and a majority of said board shall constitute a quorum for the transaction of business thereof; and said school shall be located in conformity with this Act from the appropriation herein made and grants thereto given.

Sec. 5. Said board, in considering the location of said school within the area authorized, shall take into consideration the cultural environment of said area, the topography of the land on which said school is to be located, the accessibility of highways and facilities of transportation and other facilities of communications, the proximity of other State schools from which students may be enrolled, the accessibility of aviation institutions and kindred industries as same applies to national defense, and the general health of the area involved. No donation shall be required by said locating board, except such donations of land as may be voluntarily offered by any place as a site for the building or buildings of said school, and in no event shall a building site of less than five hundred (500) acres be considered or accepted; provided however that said board shall have full authority to cooperate with the United States government or any of its departments, agencies or bureaus in the location of said school and receive from said government, its departments, agencies or bureaus any donations, contributions or appropriations in behalf of the purposes herein authorized. And to have all other necessary authority to cooperate with the United States govern-

ment in acquiring and locating the school herein created.

Sec. 6. Organization, Control and Management. The organization, control and management of such school shall be vested in a board of nine (9) directors who shall be appointed by the Governor of Texas and confirmed by the Senate. The term of office of each director shall be six years; provided that in making the first appointment the Governor shall appoint three (3) members for two (2) years, three (3) members for four (4) years, and three (3) members for six (6) years. Any vacancy that occurs on the board shall be filled for the unexpired term by the Governor. The members of said board shall be removable by the Governor for inefficiency or inattention to the duties of his office. Each member of the board shall take the constitutional oath of office. The said board of directors shall meet for the first time after the effective date of this appropriation at the time and place designated by the Governor, as soon after their appointment as possible. They shall organize by electing a president of said board of directors, and such other officers as they may desire. They shall select a president for the school as soon as possible after the organization of the said Board of Directors. They shall fix his term of office, name his salary and define his duties. The president of the school shall be the executive officer for the board of directors and shall work under their direction. He shall recommend plans, organization, and the appointment of employees of said school and shall have the cooperation of said board of directors and shall be responsible to said board for the general management and success of said school.

Sec. 7. The Work of the School. The work of said school, its materials, or subject matter, and courses of study shall be divided into two (2) divisions; to-wit:

- (1) Aeronautics and Engineering.
- (2) Military Science.

1. Aeronautics and Engineering. Aeronautics and Engineering shall include, in addition to the basic mechanical engineering curriculum the following:

Aerodynamics, Stress Analysis, Weight Control, Structural Testing, Material Testing, Research, Management, Electrical and Radio Engineer-

ing, Circuits, Conduits, Shielding, Capacity, and Wire Sizes. Hydraulics Systems, Landing Gear Retraction, Flap Operation, Line Sizes, Line Losses, Valve and Fitting Design, Cabin Supercharging and Soundproofing, Methods and Materials, Heating and Ventilating Systems and Equipment, Power Plant Installations, Fuel, Oil, and Cooling Systems, Accessories and Equipment.

2. Military Science. The art and science of military training shall be offered the students of the 'Texas State School of Aeronautics and Engineering' as shall be provided by the board of directors of said school of Aeronautics and Engineering, and under such rules and regulations as the said board may prescribe, provided that all rules and regulations made to govern such military training shall comply with the laws of Texas and of the United States; and the said Board of Directors shall fully cooperate with the Federal Government, the State Government and their respective agencies in carrying out a National program of defense.

Courses and Degrees. Such courses of study shall be offered in the 'Texas State School of Aeronautics and Engineering' as are found in senior schools of the first rank in similar fields, as the board of directors may order, provided that any bachelor's degree shall be based on four years of college work, and any higher degree may be offered with appropriate courses. Such school shall confer only such degrees as are majored in aeronautic engineering as herein set forth. Short courses, long courses, and special courses of intense

Aerodynamics, Stress Analysis, practical value shall be given from time to time by the 'Texas State School of Aeronautics and Engineering' in the subjects authorized by this Act.

Additional Courses. The specifications of courses of study written in this Act shall not prohibit the board of directors from adding other courses, subjects or groups of subjects necessary to enable the 'Texas State School for Aeronautics and Engineering' to perform its functions as a school of aeronautics and engineering and applied science in the most practical and efficient way. The board of directors is required and directed to build and control a state school of the first rank that shall compare

favorably with other schools doing similar technical service.

Sec. 8. The Board of Directors of the 'Texas State School of Aeronautics and Engineering' is hereby vested with the power of eminent domain to acquire for the use of said 'Texas State School of Aeronautics and Engineering' such lands as may be necessary and proper for carrying out the provisions of this appropriation and this Act, in the manner prescribed in Title 52, Revised Civil Statutes of Texas of 1925, as amended.

Sec. 9. The taking of such property is hereby declared to be for the use of the State. Said Board of Directors of the 'Texas State School of Aeronautics and Engineering' shall not be required to deposit a bond or the amount equal to the award of damages by the Commissioners as provided in Section 2, of Article 3268, Revised Civil Statutes of Texas of 1925.

Sec. 10. No warrant shall be issued by the Comptroller of the State of Texas against the aforementioned appropriation unless it first be determined by the aforementioned locating board that a substantial grant or appropriation has or will be made by the United States Government of America or any of its agencies towards the erection and establishment of said 'Texas State School of Aeronautics and Engineering'. The certificate of a majority of said locating board certifying the foregoing fact or facts shall be sufficient authority for issuance of any warrant or warrants against said appropriation for carrying out the provisions of this Act and upon the filing of said certificate with the Comptroller the aforementioned appropriation will be in all things available for the acquisition, erection and maintenance of said 'Texas State School of Aeronautics and Engineering' for the period in which said appropriation is effective. The Board of Directors of said 'Texas State School of Aeronautics and Engineering' shall have full authority to acquire, erect, and maintain said school as herein authorized out of the monies herein appropriated for the period herein named subject to all other laws effecting the acquisition, erection and maintenance of like schools in Texas.

Sec. 11. Said Board of Directors shall have any and all authority necessary to use the monies herein named

and to cooperate with all other agencies in the State of Texas and the Federal Government in effecting the purposes of this Act. And the authority of said locating board shall cease on the filing of the certificates hereinabove referred to with the Comptroller and there upon such powers, duties and authorities herein given said locating board shall thereafter be vested in the Board of Directors of the 'Texas State School of Aeronautics and Engineering' in so far as such powers, duties, and authorities are applicable."

Amend the caption to conform to the body of the bill.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 395 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 395 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Beck and Isbell asked to be recorded as voting nay on the passage of the bill.

House Concurrent Resolution 166

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 166, Granting Mrs. Woodie Spore permission to sue the State of Texas.

The Presiding Officer laid the resolution before the Senate, and it was read and adopted.

Record of Vote

Senator Moore asked to be recorded as voting "nay" on the resolution.

Adjournment

On motion of Senator Mauritz, the Senate, at 12:40 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

SEVENTY-FIFTH DAY

(Wednesday, June 11, 1941)

The Senate met at 10:00 o'clock a. m. pursuant to adjournment and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Report of Standing Committee

Senator Aikin submitted the following report:

Austin, Texas,
June 11, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 376, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to a certain independent school district; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Bill 502 on First Reading

Senator Smith moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The following bill then was introduced, read first time and referred to the Committee on State Affairs:

By Senator Smith:

S. B. No. 502, A bill to be entitled "An Act declaring the floods of